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6 INVESTIGATIVE SERVICES, INC.

7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 ENZO ZELOCCHI, an individual,
12 Plaintiff,

13 v.

14 ADAM IZA, and individual; IRIS AU,
an individual; RICHARD DUDGEON,
15 an individual; BRYAN RAWLINGS,
an individual; CHRISTOPHER
16 QUINTENERO, an individual;
MICHAEL QUINTENERO, an
17 individual; TROY WOODY JR., an
individual; KATY DIANN WOODY,
18 an individual; THOMAS CORNELIA,
an individual; CORNELIA MEDIA,
19 LLC., a Nevada corporation;
KENNETH CHILDS, an individual;
20 PARAMOUNT INVESTIGATIVE
SERVICES, a California corporation;
21 and DOES 1-10, INCLUSIVE

22 Defendants.
23

Case No. 2:24-cv-09601-SRM-JPR

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
DEFENDANT KENNETH CHILDS'
AND PARAMOUNT
INVESTIGATIVE SERVICES,
INC.'S MOTION TO QUASH
SERVICE OF SUMMONS**

**[FILED CONCURRENTLY WITH
DECLARATION OF ATTORNEY
JAMES WHITEMYER WITH
EXHIBITS]**

Motion Date: June 12, 2025
Motion Time: 1:30 p.m.
Motion Location: Dept. 9

24 **I. INTRODUCTION**

25 Defendants KENNETH CHILDS (“Childs”) and PARAMOUNT
26 INVESTIGATE SERVICES INC. (“Paramount”) (collectively, “Moving Parties”
27 and/or “Defendants”) hereby move this Court under F.R.C.P § 12(b)(5) for an Order
28 Quashing Plaintiff ENZO ZELOCCHI’s (“Plaintiff”) service of Summons and

1 Complaint. In support thereof, Defendants state as follows:

2 **II. RELEVANT FACTS**

3 Plaintiff's process servers did not attempt to serve Defendants personally, nor
4 did they deliver the documents to an individual authorized to accept service on
5 Defendant's behalf.

6 Plaintiff's process servers' declarations of due diligence and service
7 (Documents 9-13 filed by Plaintiff in this action) are false. Plaintiff has not served
8 the summons and complaint to either Childs or Paramount. Plaintiff's process servers
9 allegedly completed substitute personal service by leaving documents with a "Jane
10 Doe" security guard in the lobby of the U.S. Bank Tower, 633 W. 5th St., Los
11 Angeles, California. This is not valid substitute service. Furthermore, Plaintiff's
12 process server's declarations falsely indicate Childs is Paramount's registered agent
13 for service of process. Paramount's registered agent for service is local attorney
14 David Queen, Esq. Next, Plaintiff's process server's declaration of due diligence
15 describes no attempts to personally serve Childs or Mr. Queen; and no attempt to
16 contact the 26th floor of the U.S. Bank Building (the 26th floor is a "virtual" shared
17 office suite at which Paramount is a "virtual tenant"). Plaintiff's process server's
18 declarations of service falsely declare he served the documents on the 26th floor; when
19 in fact, per his own declarations of due diligence, he did not go to the 26th floor.

20 The existence of the present lawsuit, and Plaintiff's false claim that Defendants
21 were served, is a recent surprise to Defendants and Defendants' counsel. Moving
22 Parties have been co-defendants with Plaintiff since 2022 in state court litigation (*Iza*
23 *v. Zelocchi, et al.*, LASC Case No. 22STCV28325, and *Au v. Zelocchi, et al.*, LASC
24 Case No. 22STCV35638) involving the same main parties, same facts, and same core
25 issues as the present case.¹ Defendants are represented by the same counsel who
26 _____

27 ¹ The present lawsuit is the sixth civil lawsuit involving mostly the same parties, core
28 facts, and core issues; and the second "secret" lawsuit filed by Plaintiff Zelocchi
against one or more parties herein while the other litigation is pending.

1 represents them in the present action. Plaintiff is still represented in the two state
2 court actions by attorney John Sullivan, Esq. At no time did Mr. Sullivan or Mr.
3 Zelocchi indicate to Defendants or their counsel they were initiating new related
4 litigation in Federal court, trying to serve defendants, or anything else. The invalid
5 purported service to Defendants is an obvious attempt to “sneak to the court” for a
6 default judgment. This should not be rewarded.

7 **III. ARGUMENT**

8 Service of process must strictly comply with F.R.C.P § 4, which states service
9 within a judicial district of the United States must be effectuated by:

- 10 • Delivering a copy of the summons and complaint to the individual
11 personally;
- 12 • Leaving a copy at the individual’s dwelling or usual place of abode with
13 someone of suitable age and discretion who resides there; or
- 14 • Serving in accordance with state law where the district court is located
15 or where service is made.

16 In this case, Plaintiff did none of the above. Leaving the documents with a
17 “Jane Doe” security guard – a third party unaffiliated with Defendant – fails to satisfy
18 the personal service requirement, nor is it valid substitute service under California
19 state law. For substitute service, Code of Civil Procedure §§ 415.20 and 416.10
20 require the summons and complaint to be left “with the person who is apparently in
21 charge” of the “office” of the person to be served. At least one court confirmed that
22 delivering process to a security guard does not constitute valid substitute service under
23 California (or Federal) law. See *Mech. Mktg. v. Sixxon Precision Mach. Co.* (5:CV
24 11-01844 EJD) (N.D. Cal.) 2011 U.S. Dist. LEXIS 115613. As such, the attempted
25 service is invalid.

26 Furthermore, Defendants are exceedingly easy to serve – at their designated
27 agent for service of process, attorney David Queen, Esq. – and Plaintiff (and his
28 process server) would have known this had they bothered to look on the Secretary of

1 State's website.

2 **IV. MEET AND CONFER OF COUNSEL INEFFECTIVE**

3 Counsel have met and conferred, and are at an impasse. (See Declaration of
4 James Whitemyer.) Mr. Lazo indicated he would proceed to default as though service
5 was valid if Defendants did not answer (thereby waiving demur and/or motion to
6 strike). Since Defendants will be filing pleading challenges after they are served, this
7 "blackmail" (for lack of a nicer term) necessitates the present motion as a response.

8 **V. CONCLUSION**

9 For the foregoing reasons, Defendant respectfully requests that the Court enter
10 an order granting the present motion, quashing the purported service of the summons
11 and complaint to defendants, and granting such other and further relief as the Court
12 deems just and proper.

13
14 Respectfully submitted,

15
16 PLAIN LEGAL PC

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18
19 DATED: March 31, 2025

By: /s/James Whitemyer

20 David J. Byassee
21 James Whitemyer
22 Attorneys for Defendants
23 KENNETH CHILDS and PARAMOUNT
24 INVESTIGATIVE SERVICES, INC.
25
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27
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CERTIFICATE OF COMPLIANCE PURSUANT TO L.R. 11-6.2

The undersigned, Counsel of Record for Defendants Kenneth Childs and Paramount Investigative Services, Inc., certifies that this brief contains 806 words, which complies with the word limit of L.R. 11-6.1.

Respectfully submitted,

PLAIN LEGAL PC

DATED: March 31, 2025

By: /s/James Whitemyer

David J. Byassee

James Whitemyer

Attorneys for Defendants

KENNETH CHILDS and PARAMOUNT
INVESTIGATIVE SERVICES, INC.

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CERTIFICATE OF SERVICE

IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

Case Name: *Enzo Zelocchi v. Adam Iza, et al.*

Case No. 2:24-cv-09601-SRM-JPR

I, James Whitmyer, am at least eighteen years of age. My business address is 501 N. El Camino Real, Suite 223, San Clemente, California 92672. I am not a party to the above-entitled action.

On March 31, 2025, I have caused service of:

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
DEFENDANT KENNETH CHILDS' AND PARAMOUNT
INVESTIGATIVE SERVICES, INC.'S MOTION TO QUASH
SERVICE OF SUMMONS**

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Attorneys for Plaintiff
Enzo Zelocchi

BY UNITED STATES DISTRICT COURT ECF SYSTEM: I caused the document to be electronically filed with Clerk of the United States District Court using its ECF System, which electronically notifies the party listed in the Service List.

BY E-MAIL OR ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from e-mail to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 31, 2025, at Orange County, California.

/s/ James Whitmyer
James Whitmyer